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7 19-1953UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ANNETTE CADET,

CASE NO. C19-1953JLR

11 Plaintiff,

ORDER DENYING MOTION TO
12 v. REMAND AND DISMISSING
13 SNOQUALMIE CASINO, et al., CASE
14 Defendants.

15 Before the court is Plaintiff Annette Cadet's motion to remand this case to
16 Washington State Court. (Mot. (Dkt. # 22).) Defendants Lawrence Smith Clyde,
17 Cynthia Redfearn Lee, Brent Schneider, and "Snoqualmie Casino Employees"
18 ("Employee Defendants") oppose the motion.¹ (See Resp. (Dkt. # 23).) In her motion to
19 remand, Ms. Cadet asks the court to "move" her case to Washington State Court due to

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¹ Snoqualmie Casino also joins in the opposition to the motion to remand. (See Resp. at
22 1.) However, Snoqualmie Casino was dismissed from this lawsuit (6/25/20 Order (Dkt. # 18) at
14), and the operative amended complaint no longer pleads claims against Snoqualmie Casino
(Am. Compl. (Dkt. # 21) at 1-2). Thus, Snoqualmie Casino is not a defendant in this action.

1 the “lack of subject matter jurisdiction.” (Mot. at 1.) The court DENIES that motion.
2 Ms. Cadet filed her case in federal court initially. (See Mot. for IFP (Dkt. # 1).) As the
3 Employee Defendants point out, there is no mechanism to remove or remand a case that
4 the plaintiff filed in federal court to state court. (See Resp. at 3-4.) Thus, Ms. Cadet’s
5 motion is denied.

6 The court notes, however, that Ms. Cadet no longer asserts that the court has
7 subject matter jurisdiction over this case. (See Mot. at 1.) The court dismissed Ms.
8 Cadet’s initial complaint for lack of subject matter jurisdiction (see 6/25/20 Order at 14)
9 and advised Ms. Cadet that her first amended complaint also suffered from jurisdictional
10 deficiencies (see 8/7/20 Order at 7-10). Ms. Cadet filed a second amended complaint
11 (SAC (Dkt. # 21)), but appears to concede that this case should be “moved” to
12 Washington State Court because the court lacks subject matter jurisdiction over this case
13 (Mot. at 1). Under Federal Rule of Civil Procedure 12(b)(1), the court must dismiss
14 claims over which it lacks subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1). It is
15 presumed that a case is outside the court’s limited jurisdiction, and “the burden of
16 establishing the contrary rests upon the party asserting jurisdiction.” *Kokkonen v.*
17 *Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Here, however, it appears that
18 no party asserts that this court has jurisdiction over Ms. Cadet’s claims. (See Mot. at 1;
19 Resp. at 4.) Accordingly, the court presumes that this case is outside the court’s
20 jurisdiction, see *Kokkonen*, 511 U.S. at 377, meaning this case must be dismissed.

21 Accordingly, the court DISMISSES Ms. Cadet’s second amended complaint (Dkt.
22 # 21) without prejudice. Although there is no procedural mechanism that allows the

1 court to "move" this case to Washington State Court as Ms. Cadet requests, the court
2 advises Ms. Cadet that she may attempt to re-file her case in state court.

3 Dated this 19th day of November, 2020.

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7 JAMES L. ROBART
8 United States District Judge
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